

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **RAFAEL MARTINEZ FUENTES
LUZ ESTRELLA CORTES TORRES**
Debtor(s)

CASE NO: **15-06252-ESL**

Chapter 13

- AMENDED -

TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$505.00** Outstanding (Through the Plan): **\$2,495.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor(s) Income is (are) ☐ Under ☒ Above Median Income Liquidation Value: **\$24,679.00**

Commitment Period is ☐ 36 months ☒ 60 months §1325(b)(1)(B) General Unsecured Pool: **\$0.00**

With respect to the (amended) Plan date: **Sep 16, 2015 (Dkt 13)** **Plan Base: \$17,100.00**

The Trustee: ☐ DOES NOT OBJECT ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: **0.00 %**

The Trustee objects to confirmation for the following reasons:

[1325(a)(1)] Failure to comply with her/his/their duties.[11 U.S.C.704(a)(4) and 1302(b)(1)]

Debtors must submit evidence of value assigned to properties listed in Schedules A and B. The evidence previously submitted by Debtors are either outdated or do not provide enough information to determine whether the values listed in Schedules A and B are correct.

[1325(a)(6)] Feasibility – Debtor(s) does not has/have the capacity to make proposed plan payments.

Debtors are supposed to pay \$1,046.00 per month to Scotiabank for the mortgage over property in 4 Ponce de Leon, Caguas. The amount of \$830.44 in Schedule J is the amount proposed for negotiation with Scotiabank. Feasibility of plan depends on negotiations with Scotiabank.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to pay 100% of [507] priority claims. [1322(d)(1)]

Plan is insufficiently funded to pay priority claims filed by the Internal Revenue Service (Claim 4) and the Department of the Treasury (Claims 7 and 8).

***OTHER COMMENTS / OBJECTIONS**

As per Lease Contracts submitted, the total amount regarding Rent income is \$2,700 instead the \$2,900 listed in Schedule I. Debtors explained that they have increased rent payments by \$25.00 for each of the eight tenants. In light of this, Debtors must submit evidence of such increased rent payments (receipts).
AM 05-19-16 PENDING

Scotiabank filed an objection to the confirmation because creditor does not accept treatment as provided in Plan. (Docket Nos. 23 and 31).

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: May 24, 2016

/s/ Alexandra Rodriguez, Esq.

Last Docket Verified: 31 Last Claim Verified: 8 CMC: AM